

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 20-41 are pending in this case. Non-elected Claims 1-19, 42, and 43 are canceled by the present amendment. No new matter is added.

In the outstanding Office Action, Claims 20-24, 29, 38, and 39 were rejected under 35 U.S.C. § 102(b) as anticipated by Petrucci (U.S. Pub. No. 2003/0119215); Claims 25, 28, 32, 35, 40, and 41 were rejected under 35 U.S.C. § 103(a) as unpatentable over Petrucci in view of Long, et al. (U.S. Pub. No. 2004/0018127, herein "Long"); and Claims 26, 27, 33, and 34 were indicated as allowable.

Applicants gratefully acknowledge the indication of allowable subject matter in Claims 26, 27, 33, and 34.

Applicants and Applicants' representative thank Examiner Olsen for the courtesy of an interview with Applicants' representative on July 23, 2009. Applicants respectfully traverse the rejections of Claims 20-25, 28-32, and 35-41, substantially repeating the discussion during the interview.

Claim 20 is directed to an **in-situ method of determining an etch property**, the method comprising "**measuring at least one endpoint signal using a diagnostic system coupled to said plasma processing system**, wherein said at least one endpoint signal comprises an endpoint transition; and **determining said etch rate from a ratio of said thickness to a difference between a time during said endpoint transition and a starting time of said etching.**"

As discussed during the interview, Petrucci describes using the interferometry endpoint (IEP) signal to calculate etch rate, at paragraphs [0029] to [0033], for example. Specifically, etch rate is calculated based on $t_2 - t_1$, where t_1 is the end point start time and t_2 is

the end point end time, as detailed at paragraph [0035]. The starting time of the etching is not used in the calculation of etch rate in Petrucci at all.

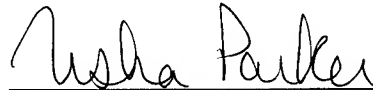
Because Petrucci fails to teach or suggest at least the features of Claim 20 that are discussed above, Applicants respectfully request that the rejection under 35 U.S.C. § 102(b) of Claim 20 and Claims 21-24, 29, 38, and 39, which depend therefrom, be withdrawn.

Claims 25, 28, 32, 35, 40, and 41 depend from Claim 20 and, therefore, patentably define over Petrucci for at least the same reasons as Claim 20. Further, Long, which is additionally asserted against Claims 25, 28, 32, 35, 40, and 41, does not cure the deficiencies of Petrucci with regard to Claim 20. Thus, Applicants respectfully request that the rejection under 35 U.S.C. § 103(a) of Claims 25, 28, 32, 35, 40, and 41 be withdrawn.

Accordingly, the outstanding rejections are traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

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